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Reviewing the Persecution Against the Rohingya Refugees²

Abstract

The Rohingya is a Muslim minority ethnic community, who have been persecuted systematically and became stateless after enacted the 1982 Citizenship Law of Myanmar, living in the Rakhine state of Myanmar. Myanmar's exclusionary citizenship laws have led to forced migration and severe human rights abuses for the Rohingya, underscoring the need for urgent international action to address the main causes of statelessness of Rohingya and to ensure justice for them as part of broader global challenges. This research critically reviews the reactions of International Leaders to treating and resolving the Rohingya Humanitarian crisis.

Keywords: Rohingya, Persecution, Citizenship Law, Forced Migration, International Law.

Absztrakt

A rohingyák egy muszlim kisebbségi etnikai közösség, akiket szisztematikusan üldöztek, és hontalanná váltak az 1982-es mianmari állampolgársági törvény elfogadása után, és Mianmar Rakhine államában élnek. Mianmar kirekesztő állampolgársági törvényei kényszerszermigrációhoz és súlyos emberi jogi visszaélésekhez vezettek a rohingyák számára, ami rávilágít a rohingyák hontalanságának fő okainak kezelésére és az igazságszolgáltatás biztosítására irányuló sürgős nemzetközi fellépés szükségességére a tágabb globális kihívások részeként. Ez a kutatás kritikusan áttekinti a nemzetközi vezetők reakcióit a rohingyák humanitárius válságának kezelésére és megoldására.

Kulcsszavak: Rohingyák, üldöztetés, állampolgársági jog, kényszerszermigráció, nemzetközi jog.

I. Introduction

Forcible displacement of people is increasing all over the world. More than 120 million people were forcibly displaced as of May 2024,³ which was 117.3 million at the end of 2023,⁴ from their residences as a result of persecution and human rights violations. Among these displaced populations, the Rohingya stand out as one of the most persecuted and vulnerable minority groups in the world. The Rohingya are being persecuted, face systematic discrimination, and are restricted in their freedom of movement and other fundamental rights in Myanmar. Rohingya people live in the western part (Rakhine state) of Myanmar, which borders Bangladesh. They are the Muslim ethnic minority, and are limited to a zone of villages,

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² DOI: 10.59558/jesz.2026.1.44

³ Global Trends At-a-Glance, URL: <https://www.unrefugees.org/refugee-facts/statistics/> (15 April 2025).

⁴ UNHCR, "Refugee Data Finder". (2024), URL: <https://www.unhcr.org/refugee-statistics/> (15 August 2025).

townships, and wretched displacement camps that are cut off from the rest of Myanmar.⁵ A very minimum number of Rohingya were considered as the citizen of Myanmar and rest of them are excluded from citizenship right⁶ under the 1982 Citizenship Law.

This Citizenship Law institutionalized the Rohingya Statelessness and established a legal basis for prejudiced policies. Persecution against Rohingya is very common in Myanmar since 1978. They are the most vulnerable and one of the most persecuted minority groups in the world. The United Nations has labelled systematic attacks on the Rohingya, who have faced long-standing persecution, as a result of which over one million were forced to flee to Bangladesh. After the 2017 persecution, Myanmar restricted travel between villages, and travel is only possible via waterways in some areas of the central part of the northern township⁷ and even there is an official restriction to move. The permission is very complicated and not easy to relocate internally.⁸ As of February 2024, nearly a million Rohingya Refugees living in different refugee camps in Ukhiya, Teknaf, and Bhasan Char Island in Bangladesh⁹ with no hope for their safe return. Myanmar is denying their citizenship claiming that they entered in Myanmar from the neighbouring country Bangladesh and in the same time Bangladesh never accept that claim. This research critically analyzes the historical, legal, and international dimensions of the Rohingya crisis through a doctrinal research approach. It examines the existing literature and legal frameworks, including the 1951 Refugee Convention, the 1954 Statelessness Convention, and the 1982 Citizenship Law of Myanmar, as well as international responses to the humanitarian crisis in Myanmar. This study also explores Myanmar's discriminatory policies, international legal frameworks, and global leaders' responses to human rights violations to resolve this humanitarian crisis and hold the perpetrators accountable for global justice.

II. Research Methodology

This research is followed doctrinal research methodology to analyze the historical, and legal dimensions of the Rohingya crisis, and explores the link between Myanmar's discriminatory policies, international legal frameworks, and global leaders' responses to the persecution against Rohingya Refugees.

III. Historical Background of the Rohingya Persecution

Early settlement and the origins of the Rohingya: There is no exact information on the time of settlement of Rohingya in Myanmar and it remains contentious. Scholarship shows different opinions about the settlement of Rohingya in Myanmar. Scholars and historians widely accept that Muslims inhabited Rakhine State hundreds of years before independence. The literature showed that the term Rohingya came from the Arabic word "Raham," which means

⁵ Amnesty International, "Caged without a roof: Apartheid in Myanmar's Rakhine State". (2017), URL: <https://www.amnesty.org/en/latest/news/2017/11/myanmar-apartheid-in-rakhine-state/> (15 April 2025).

⁶ Milton, Abul Hasnat, et. al.: Trapped in Statelessness: Rohingya Refugees in Bangladesh. In International Journal of Environmental Research and Public Health, Vol. 14, Issue 8, 2017, pp. 3.

⁷ Amnesty International (2017).

⁸ Govt. of UK, "Country policy and information note: Rohingya including Rohingya in Bangladesh, Burma". 2023. URL: <https://www.gov.uk/government/publications/burma-country-policy-and-information-notes/country-policy-and-information-note-rohingya-including-rohingya-in-bangladesh-burma-june-2023-accessible> (20 April 2025).

⁹ Rohingya Refugee Response, "About the Rohingya Refugee Response". 2024. URL: <https://rohingyaresponse.org/> (20 April 2025).

“sympathy.”¹⁰ For the time being, the term Raham is changed to “Rhohang” and later to “Rohingya.”¹¹ Another literature showed that, the term “Rohingya” is used to describe the Afghanistani migrated Ruha people.¹² Ambassador Akbar Ahmed noted in his writing that, the term ‘Rohingya’ derived from the word ‘Roh’ (means Mountains in Sanskrit), the region of mountains in Northwest India.¹³ The Burmese Chronicles mention that the first traders were two Muslim brothers, Shwepyin-gyi and Shwepyin-nge, the son of an Arab merchant saved from a shipwrecked vessel and arrived in 1055 under King Anawratha’s regime. They were appointed as the horsemen of the King.¹⁴ It is also found in the literature that the term ‘Rohingya’ derived from the Burmese word ‘*Rwahaung ga Kyar*’ in Arakanese pronunciation meaning ‘Tiger from the Old Village’ though the author disagreed with this concept.¹⁵ Prior to 1950, the term “Rohingya” was unknown, and the Red Flag Communists used it to please the Mujahid rebels with whom they wanted to work.¹⁶ The term ‘Rohingya’ was first formally used on 10 March 1950 in an official address by a group of leaders from North Arakan to former Prime Minister U Nu on his visit to Maungdaw.¹⁷ A Rohingya Human Rights and Peace activist Wai Wai Nu reported that the existence of Rohingya is traced back since 15th century in Mrauk U Kingdom and he also claimed the presence of inscriptions of the Rohingya language till now at ancient history cites.¹⁸ Buchanan, a British physician, identified the Rohingya as “Mohammedans” who have settled in Arkan since long and they call themselves as “Rooinga” or the “native of Arakan”.¹⁹ Despite these debates it is widely recognized that Rohingya People settled in Myanmar for centuries.

IV. Colonial Rule and the Demographic Shifts

The Bengal Sultanate had a cultural influence on the court elite of Mrauk U, as the Muslim titles used by the Arakanese Kings and were emblazoned on coins.²⁰ In the 16th Century, Arakan started to expand its territory which brought Chittagong of Bengal under control. Until the first half of the 17th century, Chittagong was an integral part of the Arakanese kingdom,²¹ and the inhabitants of this area were called Rosangi or Ruhaingya by the people of

¹⁰ Chowdhury, M.A.: The Advent of Islam in Arakan and Rohingyas. The Annual Magazine, Arakan Historical Society (AHS), 1995–96. University of Chittagong, Bangladesh, Available at: <https://www.rohingya.org/the-advent-of-islam-in-arakan-and-the-rohingyas/>.

¹¹ Ibid.

¹² Ahmed, Akbar, The Rohingya: Myanmar’s outcasts, Al Jazeera, Jan. 30, 2012, URL: <https://www.aljazeera.com/opinions/2012/1/30/the-rohingya-myanmars-outcasts> (8 June 2025).

¹³ Ibid.

¹⁴ Yegar, Moshe: The Muslims of Burma: A Study of a Minority Group”. Otto Harrassowitz-Wiesbaden, 1972, pp. 2–5, URL: <https://www.netipr.org/policy/downloads/19720101-Muslims-Of-Burma-by-Moshe-Yegar.pdf>.

¹⁵ Maung Saw, U Khin: The Rohingyas, Who Are They? The Origin of the Name Rohingya, Tradition and Modernity in Myanmar”. Conference Proceeding, 1993, pp. 91–92. URL: http://www.mcrg.ac.in/WC_2015/Reading/D_WhoRohingyas.pdf

¹⁶ Ibid. at 93.

¹⁷ Jilani, A. F. K.: The Rohingyas of Arakan: Their Quest for Justice, Privately Published by the Author, 1999. URL: <https://archive.org/details/the-rohingyas-of-arakan-and-their-quest-for-justice>

¹⁸ Wai Wai Nu: “Why Rohingya? Equality and identity in Myanmar”. May 20, 2016, URL: <https://www.mmmtimes.com/opinion/20410-why-rohingya-equalityand-identityin-myanmar.html>

¹⁹ Buchanan, Francis: A Comparative Vocabulary of Some of the Languages Spoken in the Burma Empire, 1799. Asiatic Researches 5. See also; In SOAS Bulletin of Burma Research, Vol. 1, Issue 1, 2003, pp. 55, URL: <https://eprints.soas.ac.uk/8050/1/BuchananComparativeVocabulary.pdf>

²⁰ Leider, Jacques: Rohingya: The History of a Muslim Identity in Myanmar. In Oxford Research Encyclopedia of Asian History, 2018, pp. 4–5.

²¹ Sarkar, J. N.: History of Bengal. Dhaka University Press 2, 1972, pp. 377–381.

north Chittagong. Over time, these Rosang (Rohang) and Rosangi (Rohingya) were treated as Arakan and people of Arakan, respectively.²² The people of Bengal, including Muslims, Hindus, and Buddhists, were the main pillars of Arakanese economic manpower until 1666.²³ Independent Arakan and Burmese cultures interacted before the Burman conquest, and after the conquest, Burma removed the key symbols of Autonomous Arakanese society and religion. As a result, Arakan lost its religious patron.²⁴ Burma conquered Arakan in late 1784, and the Muslim, Buddhist, and Hindu families were deported from Mrauk U and resettled in the Capital, Amarapura.²⁵ Tens of thousands of Muslims were deported forcefully into Bengal after a few years of such conquerment, and many of them were resettled in 1799 by Hiram Cox in Cox's Bazar (now it is the seaside area of Bangladesh).²⁶ In the ensuing years, a prolonged armed conflict along the Bengal-Arakan border eventually precipitated the first Anglo-Burman War of 1824-25²⁷ and Arakan formally fell under the British domination in 1826 by signing the YANDABO Treaty.²⁸ The number of Muslims in the Chittagong region increased from 1881 to 1941, reaching 27% of the total population. This demographic shift between the Buddhist Rakhine community and the Muslim Rohingya has sparked tensions, laying the groundwork for future conflicts.

IV.1 Post-Independence Era and Early Persecution

Myanmar got independence in 1948 and the impact of this was rise to increased political violence throughout ethnic minority in Rakhine state. Rural Indian communities were caught between Burmese and Karen forces pushed to flee to the urban areas following the outbreak of civil war after independence.²⁹ The judicial and civil administrations could have been more effective in some areas due to a lack of magistrates in the districts who could hear complaints against insurgents and the impact of insurgencies on security, budget, and personnel.³⁰ Burmese former Prime Minister U Nu assassinated the independence hero Aung San in 1960 election. U Nu promised the Statehood for Arakanese and Mon People during 1960 election campaign and after his victory he planned to establish the statehood. Four Rohingya Muslim elected legislators from Buthidaung and Maungdaw Townships opposed the plan and demanded the “Rohingya

²² Chowdhury, Dr. Mohammed Ali: The advent of Islam in Arakan and the Rohingyas. 2006, URL: <https://www.rohingya.org/the-advent-of-islam-in-arakan-and-the-rohingyas/> (10 June 2025).

²³ Leider, Jacques: “On Arakanese Territorial Expansion: Origins, Context, Means, and Practice, in *The Maritime Frontier of Burma – Exploring Political, Cultural, and Commercial Interaction in the Indian Ocean World, 1200–1800*, (Amsterdam and Leiden, Netherlands: Koninklijke Nederlandse Akademie van Wetenschappen/KITLV Press). Ed. Jos Gommans and Jacques Leider, 2002, pp. 127–150.

²⁴ Charney, Michael W.: *Where Jambudipa and Islamdom Converged: Religious Change and the Emergence of Buddhist Communalism in Early Modern Arakan (Fifteenth to Nineteenth Centuries)*. The University of Michigan, 1999, pp. 249.

²⁵ Leider 2002.

²⁶ Charney 1999.

²⁷ Irish Centre for Human Rights, “Crimes against Humanity in Western Burma: The Situation of the Rohingyas”. 2010, pp. 24. URL: https://burmacampaign.org.uk/images/uploads/ICHR_Rohingya_Report_2010.pdf (23 August 2025).

²⁸ Ibid.

²⁹ Indian Daily Mail, *Modern Rangoon Owes to Indians' Intellect and Money*. 1949, URL: <https://eresources.nlb.gov.sg/newspapers/digitised/article/indiandailymail19490730-1.2.43>

³⁰ Cheesman, Nick: *Opposing the Rule of Law: How Myanmar's Courts Make Law and Order*. Cambridge University Press, Cambridge, 2015, pp. 71.

Statehood”.³¹ In 1961, the “U Nu” government signed a series of ceasefire agreements with Mujahid groups and created the Mayu Frontier Administration Area (MFA) covering the Maungdaw, Buthidaung and Western Rathedaung districts.³² However, with General Ne Win’s successful coup d’état in 1962 and the imposition of the “Burmese Way to Socialism”, the MFA was dissolved and the oppression of the Rohingya was reignited in earnest under General Ne Win, human rights abuses and the coercion of the civilian population including forced labour and forced relocations became almost routine in many ethnic minority regions of the country, especially under a draconian military operation known as the “Four Cuts”, which was similar in intent to the strategic hamlet operation of the USA in Vietnam.³³

V. Persecution Against Rohingya

V.1 Factors of Persecution

Myanmar faces many socio-economic challenges and political problems, including many armed conflicts and ethno-religious conflicts.³⁴ Myanmar’s historical record shows how freedom can be a myth, especially for minorities. Much of the debate has focused on independence, but internal tensions remain. One is the long-standing conflict between Rohingya Muslims and Rakhine Buddhists in western Rakhine (formerly Arakan).³⁵ Rohingya persecution has been very common for a few decades. Violence mainly started against Rohingya Muslims during the Second World War and opened a new door for violence after the Independence of Burma in 1948.³⁶ After the ending of the British Administration in Arakan in 1942, the Arakanese hoodlums attacked Muslim villages in southern Arakan.³⁷ Rohingya movements became inactive after General Ne Win’s military coup in 1962. He established Burmese Socialism and nationalized private assets. As a result of this plan, the Indian and Chinese enterprises lost their property, and most of them left Burma.³⁸ It is reported that around 100,000 Indians and 12,000 Pakistanis left Burma within two years (within 1964) of the nationalization of the Assets plan.³⁹

However, Muslims ignored that policy and lived in the frontier areas until adopting the 1982 Citizenship Law, which was enforced in 1987, holding the National Registration Cards issued by the Department of National Registration in the post-war decade.⁴⁰ Under Ne Win’s regime, a Revolutionary Council was formed to adopt new Constitution (and adopted in 1974). In 1973, the Council sought public opinion before drafting a new constitution. Muslims from the Mayu Frontier proposed to the Constitution Commission to create a separate Muslim state

³¹ Chan, Aye: The Development of a Muslim Enclave in Arakan (Rakhine) State of Burma (Myanmar). In SOAS Bulletin of Burma Research, Vol. 3, Issue 2, 2005, pp. 412–413, URL: <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=25d0efc054f99ebb7955071bbfa54dad6018025d>.

³² Rahaman, Md Razidur: Rohingya: The Community of No Human Rights, April 13, 2017, The Daily Observer, URL: <https://observerbd.com/details.php?id=68541> 11 July 2025.

³³ Ibid.

³⁴ Alam, Md Jobair: The Rohingya Minority of Myanmar: Surveying Their Status and Protection in International Law, In International Journal on Minority and Group Rights, Vol. 25, Issue 2, 2018, pp. 157–158.

³⁵ Ibid.

³⁶ Cheesman 2015: 403.

³⁷ Yegar 1972: 95.

³⁸ Rahaman 2017.

³⁹ Donnison, F.S.V. : Burma, Nations of the Modern World series. Ernest Benn Limited, London, 1970, pp. 253.

⁴⁰ Rahaman (2017).

or at least a division. However, the Commission rejected their proposal.⁴¹ Bangladesh liberated from Pakistan in 1971 after nine months of long bloody war. After the liberation of Bangladesh, some arms flowed into the young Muslim leader from Mayu Frontier. All Rohingya parties held a congress on 15th July 1972 at the Bangladeshi border to call for the “Rohingya National Liberation”.⁴² Rohingya’s national registration certificates were ceased and foreign registration cards were issued under the Emergency Immigration Act of 1974.⁴³ In the 1974 “Pyithu Hlut-taw” (People’s Congress) election held under the newly adopted Constitution 1974, Rohingya Muslims were denied the right to elect their representatives.⁴⁴

V.2 Main incidents of persecution

V.2.1 1977 Persecution

General Ne Win conducted “Operation Nagamin or King Dragon” in 1977, which required the registration of all citizens, but the registration was not granted to the Rohingya. For the first time, wide persecution was committed by the Myanmar Security Force against Rohingya Muslims, who were forced to leave the country on the grounds of lack of citizenship.⁴⁵ Through this operation, a grave violation of human rights has taken place, and about 250,000⁴⁶ Rohingya left Myanmar and entered Bangladesh.

V.2.2 1991–1992 Persecution

Than Shwe’s military government introduced many militarization projects in Rakhine in 1991–92. During this time, about 250,000 Rohingya left Rakhine and entered Bangladesh due to the violence of forced labor, rapes, and killings by the Security Forces.⁴⁷ Bangladesh repatriated around 360,000 Rohingya under an agreement between Bangladesh and Myanmar mitigated by the United Nations High Commissioner for Refugees (UNHCR).

V.2.3 2012 Persecution

Again, in 2012, the influx started, and 125,000 Rohingya left Myanmar and entered Bangladesh.⁴⁸ The reason behind this persecution was the accusation of raped and killed a

⁴¹ Kyaw Zan Tha, U.: Background of the Rohingya Problem. 1995, pp. 6, In Rakhine Tazaung Magazine, Rangoon: Rangoon University Arakanese Culture Association.

⁴² Win, Mya: If We Appraise the Attempts Made to Sow Enmity against Myanmar Naing-ngan. In Working Peoples’ Daily, Vol. 6, Issue 1, 1992, pp. 3. URL: https://uzo.sakura.ne.jp/burma/nlm/nlm_data/bps_1987996/bps_1992/bps_01_1992.pdf

⁴³ Cheung, Samuel: Migration Control and the Solutions Impasse in South and Southeast Asia: Implications from the Rohingya Experience. In Journal of Refugee Studies, Vol. 25, Issue 1, 2012, pp. 50–70.

⁴⁴ Rahaman (2017).

⁴⁵ Ullah, Akm Ahsan: Rohingya Refugees to Bangladesh: Historical Exclusions and Contemporary Marginalization. In Journal of Immigrant & Refugee Studies, Vol. 9, Issue 2, 2011, pp. 139–161.

⁴⁶ Uddin, Dr. Nasir: Understanding the Rohingya Crisis. In Asia-Pacific Bulletin, East-West Center, No. 623. 2023. URL: <https://www.proquest.com/docview/2765805037/fulltextPDF/11F4502BEFA044B6PQ/1?accountid=16238&source=Other%20Sources>

⁴⁷ Ullah 2011.

⁴⁸ Uddin, Iqthyer-Zahed, Md.: The State against the Rohingya: Root Causes of the Expulsion of Rohingya from Myanmar. In Politics, Religion & Ideology. Vol. 22, Issue 3, 2021, pp. 444.

Buddhist girl Ma Thida Htwe by three Muslim men on 29th May 2012.⁴⁹ Still, it geared after the brutal killing of ten Muslim Rohingya in June 2012 after they came back from the Umrah pilgrimage accusing the connection to killing a Buddhist girl after rape.⁵⁰ In continuation of this violence escalated in October 2012 and tens of thousands of people, most of them were Rohingya, displaced within Myanmar.⁵¹ In this year 192 people were killed, 265 were injured, and 8,614 houses were destroyed.⁵² Another report⁵³ estimated that about 140,000 people, 95% of them were Rohingya and Kaman, were displaced internally. A few of them were resettled by the Government and 128,000 remains in the confined displacement camps.

V. 2.4 2016-2017 Persecution

The persecution against Rohingya resumes again in 2016 in response of the attack by member of Harakat Al-Yaqin (Faith Movement), from Rohingya community, on three Police check post and killed nine Policemen in October 2016 and it was alleged that they looted arms from check post. Immediate after this incident, a large number of Security Forces were deployed throughout the Northern Rakhine state to identify the attackers and to recover the looted weapons. It is reported that 1262 buildings were destructed and the land were destroyed between October and November in 2016.⁵⁴ Another Report shows that 1500 buildings were destroyed between of October 10 to November 23, 2016.⁵⁵ As a result of such widespread operation by the Security Forces, 30,000 Rohingya left Rakhine⁵⁶ and 27,000⁵⁷ of them arrived in Cox's Bazar, Bangladesh. Following the 2016 persecution, the widespread human rights violations against Rohingya started in 2017. It is reported the Arakan Salvation Army (ARSA) attacked Myanmar Police Checkposts in Rakhine in August 2017 and killed 12 members of the Myanmar Security Forces and 59 insurgents.⁵⁸

In response to such an attack, the Myanmar Security Force started a counter-insurgency operation in 2017. This operation was not only against the ARSA Militant group but also against the whole Rohingya Muslim Race.⁵⁹ A million Rohingya left Rakhine, and most of them are

⁴⁹ BBC, "Muslims killed in attack in Burma's Rakhine province". 2012. URL: <https://www.bbc.com/news/world-asia-18324614>

⁵⁰ Ibid.

⁵¹ International Criminal Court, "Situation in the People's Republic of Bangladesh/The Republic of the Union of Myanmar". Pre-Trial Chamber III, 2019, pp. 28.

⁵² Republic of the Union of Myanmar, Final Inquiry Commission Report on Sectarian Violence in Rakhine State. 2013, pp.22. URL: <https://meriyadh.org/wp-content/uploads/2024/05/rakhine-commission-report-en-red.pdf>
See also; Human Rights Watch, "All You can Do is Pray". 2013, Available at: https://www.hrw.org/reports/burma0413_FullForWeb.pdf

⁵³ Human Rights Council, "Report of the independent international fact-finding mission on Myanmar". Thirty-ninth Session, 2018, pp. 7. URL: https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf

⁵⁴ Amnesty International, "We Are at Breaking Point, Amnesty International Report". 2016, pp. 26. URL: <https://www.amnesty.org/en/documents/asa16/5362/2016/en/>

⁵⁵ Human Rights Watch, "Burma: Military Burned Villages in Rakhine State". 2016, URL: <https://www.hrw.org/news/2016/12/14/burma-military-burned-villages-rakhine-state>

⁵⁶ Ibid.

⁵⁷ Relief Web, "Asia and the Pacific: Weekly Regional Humanitarian Snapshot". 2016, URL: <https://reliefweb.int/report/indonesia/asia-and-pacific-weekly-regional-humanitarian-snapshot-6-12-december-2016>

⁵⁸ Lone, Wa – Naing, Shoon: At least 71 Killed in Myanmar as Rohingya Insurgents Stage Major Attack". 2017, Reuters, URL: <https://www.reuters.com/article/us-myanmar-rohingya/insurgents-attack-myanmar-border-posts-killing-12-idUSKCN1B507K/>

⁵⁹ OHCHR, "UN Human Rights Council Report of Independent International Fact-Finding Mission on Myanmar". 2018, URL: <https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/reportofthe-myanmar-ffm> (25 August 2025).

living in different refugee camps in Cox's Bazar district, Bangladesh. The UN Human Rights Council Reported that such an attack was a planned and widespread attack by the Security Forces to destroy the Rohingya Muslim ethnic minority from Myanmar.⁶⁰ The Special Representative of the Secretary-General on sexual violence in conflict, Ms. Pramila Patten, commented that the Rohingya people are the most persecuted people in the world.⁶¹

As a result of such persecution their inalienable right to life is violated and thousands of Rohingya have been killed by the Myanmar Security Forces different report shows. Myanmar committed crimes against humanity against Rohingya in 2017 persecution. The UN fact-finding mission on Myanmar found evidence of elements of Crimes against Humanity, including Rape, torture, deportation, murder, etc., against Rohingya.⁶²

VI. Systematic Persecution Against Rohingya

The term "Stateless" is defined under Article 1(1) of the 1954 Convention Relating to the Status of Stateless, hereinafter called 1954 Stateless Convention, Person. It states that a person is stateless if he isn't considered a national under the law of any state.

VI.1 Citizenship Laws and Institutionalized Statelessness

Migration flows were there within India, Pakistan, Myanmar, and Bangladesh due to colonization in the 19th and 20th centuries. General Ne Win took the initiative to adopt the new constitution of Myanmar in 1973 and sought public consensus. The Muslim Rohingya from the Mayu Frontier demanded a separate Muslim state or at least a division for them, but the proposal was denied.⁶³ Rohingya called for Rohingya National Liberation in the 1972 Congress of all Rohingya parties.⁶⁴ The consequences of this congress faced the Rohingya community after the immediate election of this congress in 1974. Rohingya Muslim representatives were denied the opportunity to compete in the 1974 People's Assembly for the first time. However, citizenship status in Myanmar is determined under the Citizenship Law. It has a 1948 Citizenship Law and, later, a new Citizenship Law adopted in 1982. The 1948 Citizenship Law of Myanmar was more inclusive than the 1982 amended Citizenship Law. Rohingya had Citizenship status under the 1948 Citizenship Law, and they had voting rights and history shows that there were four elected legislators in Buthidaung and Maungdaw Townships from Rohingya ethnic groups.⁶⁵ The 1948 Citizenship Law was based on both residence and ethnicity. An individual can be a citizen of Myanmar if he proves his residence within the territory of Myanmar before 1823.⁶⁶ This law was replaced in 1982 through the adoption of 1982 Citizenship Law. This law is stricter and exclusionary than 1948 Citizenship Law based on the ethnicity. It introduced three-tier of

⁶⁰ Ibid.

⁶¹ OHCHR, Human Rights Council Opens Special Session on the Situation of Human Rights of the Rohingya and Other Minorities in Rakhine State in Myanmar. 2017. URL: <https://www.ohchr.org/en/press-releases/2017/12/human-rights-council-opens-special-session-situation-human-rights-rohingya> (22 August 2025).

⁶² OHCHR, 2018.

⁶³ Zan Tha, Kyaw: The Background of the Rohingya Problem. In Rakhine Tazaung Magazine. No. 18, 1995, pp. 1–5.

⁶⁴ Win, Mya: If We Appraise the Attempts Made to Sow Enmity against Myanmar Naing-ngan. In Working Peoples' Daily, Vol. 6, Issue 1, 1992, pp. 3. URL: https://uzo.sakura.ne.jp/burma/nlm/nlm_data/bps_1987-1996/bps_1992/bps_01_1992.pdf

⁶⁵ Rahaman 2017.

⁶⁶ Section 4(2) of the 1948 Union Citizenship Act of Myanmar.

citizenship⁶⁷ which includes full citizenship, associate citizenship, and naturalized citizenship. The 1982 Citizenship Law considers Myanmar citizens based on ethnicity; it considers 135 ethnic groups, and unfortunately, Rohingya was not considered as an ethnic group of Myanmar. The 1982 citizenship Law considers full citizenship to those who are members of one of the approved National ethnic groups and whose ancestors were settled in Myanmar before 1823. Myanmar intentionally added the term “ethnic minority” to consider full citizenship because it did not recognize Rohingya as an ethnic group of Myanmar.

There is no clear evidence that the ancestors of Rohingya lived in Myanmar before 1823. So, to deprive their full citizenship, the 1982 citizenship law added the ethnicity clause and excluded Rohingya from the national ethnicity list, which was an intentional act to deprive them of their nationality. Some Rohingya received the “associate citizenship” status under the 1982 Citizenship Law. However, millions are deprived due to the lack of documentation proof required under section 6 of the 1982 Citizenship Law that their ancestors lived there and were citizens under the 1948 Citizenship Law. The reason for such failures was the poor administrative governance of Myanmar and several displacements of Rohingya, including the 1977, 1992, and 2012 persecution against Rohingya. Myanmar’s government has treated Rohingya as “illegal immigrants” or “foreigners.” for a long. The former Foreign Minister of Myanmar, U Ohn Gyaw stated in 1992 that there has never been a “Rohingya” race in Myanmar, as Muslim immigrants from neighboring countries illegally entered Naing-Ngan since 1824, without immigration papers.⁶⁸ Millions of Rohingya have been denied to register for birth certificates and other legal documentation. As a result, many of them do not have proof of birth certificate, and to get citizenship by naturalization, they must have to prove these legal documents. Many Rohingya left Myanmar following the military coup led by General Ne Win. Those who left or tried to leave during the 1988 insurgency cannot apply for Myanmar Citizenship. It is evident that around 250,000⁶⁹ Rohingya left Myanmar during General Ne Win’s “Operation Nagamin or King Dragon” in 1977. So, according to section 22 of the 1982 Citizenship Act, they are now allowed to apply for citizenship in Myanmar. Myanmar set this 1982 citizenship law very systematically by targeting mainly Rohingya Muslims to exclude them from Myanmar citizenship. This lack of recognition has resulted in millions of Rohingya being stateless, further complicating their access to essential civil documents, including birth certificates and residency papers.⁷⁰

VII. International Responses to the Rohingya Humanitarian Crisis

The policies adopted in Myanmar to control ethnic conflicts and human rights violations have been scrutinized internationally because of the Rohingya crisis, and the international response is inadequate to deal with the crisis. The 1982 Citizenship Law is criticized by a number of States, including the United States, the United Kingdom, and Canada, for institutionalizing statelessness through this Law. The International community also criticizes the imposition of Birth restrictions and restrictions on freedom of movement.⁷¹ The 1982 Citizenship Law contains exclusionary principles that deny citizenship based on ethnicity, which is inconsistent with International Law, including the Universal Declaration of Human

⁶⁷ Section 3 of the 1982 Citizenship Law of Myanmar.

⁶⁸ The Guardian, Burma’s junta admits deadly attacks on Muslims. 2012, URL: <https://www.theguardian.com/world/2012/oct/28/burma-leader-admits-attacks-muslims> (24 September 2025).

⁶⁹ Uddin 2023.

⁷⁰ Cheesman, Nick: How in Myanmar ‘National Races’ Came to Surpass Citizenship and Exclude Rohingya. In *Journal of Contemporary Asia*, Vol. 47, Issue 3, 2017, pp. 461–483.

⁷¹ US Department of State, 2021 Country Reports on Human Rights Practices: Burma. 2021. URL: <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/burma/> (10 January 2025).

Rights and the Convention on the Reduction of Statelessness 1961. Myanmar faced diplomatic pressure from States to amend this Law. Organization of Islamic Cooperation (OIC) urged Myanmar repeatedly to repeal or change the Law to ensure the right to safe return, access to fundamental rights, and the right to get citizenship to Rohingya people.⁷² The EU urged Myanmar to align its laws and policies with international standards. Bangladesh addresses the main causes of Rohingya statelessness and urges for a sustainable solution to this humanitarian crisis.⁷³ States and International Organizations advocated for Myanmar to change or amend the discriminatory laws and policies in compliance with international norms and urged the involvement of ICJ to assess the laws of legality under international law.⁷⁴ States, including the EU, the US and its ally countries, and the UK, imposed sanctions, including travel bans, asset freezes, arms embargoes, prohibitions on exports, trade restrictions on military technology, etc., in response to Myanmar's refusal to amend its discriminatory laws and policies.⁷⁵

The EU imposed sanctions on key government figures involved in human rights violations.⁷⁶ Gambia filed the case of Genocide against Myanmar before ICJ in 2019. The ICJ issued provisional measures requiring Myanmar to prevent further acts of genocide.⁷⁷ The ICJ ruled that any state's sovereignty-based reservation to the Genocide Convention is illegal, stating that genocide goes against moral law and UN aims. The ICC Prosecutor made a referral on July 4, 2019, to investigate the matter. For this instance, the ICC initiated an investigation on November 14, 2019, into the alleged crime "Crime Against Humanity" against Rohingya committed by Myanmar Security Forces. As Bangladesh has been a member of the ICC Statute since 2010 and the widespread and systematic violation against Rohingya was done on the Bangladesh-Myanmar border, the ICC has jurisdiction to investigate the matter.⁷⁸

VIII. Conclusion

The Secretary General of the United Nations Antonio Guterres described Rohingya as "one of, if not the, most discriminated people in the world, without any recognition of the most basic rights starting by the recognition of the right of citizenship by their own country—Myanmar".⁷⁹ Myanmar often justifies its actions using the sovereignty and non-interference principle under Article 2(7) of the UN Charter. However, this argument weakens when juxtaposed with the international community's responsibility to protect populations from crimes against humanity. In *Gambia V. Myanmar Case*, the ICJ ruled that any state's sovereignty-based

⁷² OIC, "OIC Rohingya Committee Calls on Myanmar to Address Causes of Conflict and Restore Legitimate Rights of Rohingya Muslims". 2023. URL: https://www.oic-oci.org/topic/?t_id=38685&t_ref=26319&lan=en (10 January 2025).

⁷³ UN News, "Bangladesh urges greater international action on Rohingya status". (2020). URL: <https://news.un.org/en/story/2020/09/1073882> (11 January 2025).

⁷⁴ *The Gambia v. Myanmar*, ICJ, 2020.

⁷⁵ Lester KC, Maya. et. al.: *Burma/Myanmar, Global Sanctions*, (2021). URL: <https://globalsanctions.com/region/burma/> (11 August 2025).

⁷⁶ EU, Council Decision (CFSP) 2022/243 of 21 February 2022 amending Decision 2013/184/CFSP concerning restrictive measures in view of the situation in Myanmar/Burma, Council Decision on Myanmar, EU, 2022. URL: <https://eur-lex.europa.eu/eli/dec/2022/243/oj> (11 July 2025).

⁷⁷ International Court of Justice, "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)". 2020. URL: <https://www.icj-cij.org/case/178>

⁷⁸ International Criminal Court, "ICC judges authorise opening of an investigation into the Situation in Bangladesh/Myanmar". 2019. URL: <https://www.icc-cpi.int/news/icc-judges-authorise-opening-investigation-situation-bangladesh-myanmar> (22 August 2025).

⁷⁹ UN, "Transcript of Secretary-General's remarks at press encounter with President of the World Bank, Jim Yong Kim". 2018. URL: <https://www.un.org/sg/en/content/sg/press-encounter/2018-07-02/transcript-secretary-general%E2%80%99s-remarks-press-encounter> (22 September 2025).

reservation to the Genocide Convention is illegal, stating that genocide goes against moral law and UN aims. The ICJ ruled that civilized nations recognize the principles of the Genocide Convention as binding on States and that the contracting States have a common interest in achieving the high purposes of the Convention.⁸⁰

The ICJ ruled in the Barcelona Traction case that states have obligations to the international community, including the prohibition of acts of aggression and genocide, as well as protection from slavery and racial discrimination. There are also the elements of crimes against humanity as Myanmar did violations against Rohingya in a widespread and systematic manner. So, the international community should come forward to restore peace in the Rakhine state and repatriate there. The ICJ ruled that any state's sovereignty-based reservation to the Genocide Convention is illegal, stating that genocide goes against moral law and UN aims. The ICJ ruled that the principles of the Convention are recognized by civilized nations as binding on States, and that the contracting States have a common interest in achieving the high purposes of the Convention.⁸¹ In 1973, Judge Fitzmaurice outlined "sundry current manifestations of naturalist-universalist thought and the principle of cooperation," including non-resort to force, non-recognition of situations involving force, and interdiction of crimes against peace and humanity.⁸² The 1982 Citizenship Law of Myanmar is one of the most discriminatory Citizenship Law in the world. An individual can acquire citizenship by birth only if he is born to parents who are citizens of Myanmar and have to submit the relevant documentation proof.⁸³ This law was drafted very systematically and in an organized way to deprive citizenship, particularly to the Rohingya Muslim ethnic group, and it is easily understandable if someone looks at the regulations contained under this citizenship law. The members of unrecognized minorities may acquire citizenship, which needs more evidence to prove the citizenship criteria mentioned under section 3 of the Citizenship Law, and it takes a longer time for approval.

The statelessness of the Rohingya crisis should be taken into consideration by the international community with the associated issues. There should also be a specific guideline for the status of the Rohingya children born in the refugee camps in Bangladesh since 2016. After massive criticism from the international community, the National Unity Government (NUG), essentially the cabinet appointed by the Committee Representing Pyidaungsu Hluttaw (CRPH) under the Federal Democracy Charter (FDC), clarified their position on the Rohingya and citizenship in June 2021 and demonstrated the NUG and CRPH could abolish or repeal the unjust law of 1982 Citizenship Law. However, neither the NUG's position paper nor the April 2024 statement of the National Unity Consultative Council (NUCC) was abolished as such.⁸⁴ To establish a peaceful and democratic Myanmar and to ensure the primary purpose of the establishment of the United Nations as a member state, Myanmar should amend or abolish the 1982 Citizenship Law to accommodate unrecognized ethnic minorities, including Rohingya.

⁸⁰ Whiteman, Marjorie M.: *Jus Cogens* in International Law, with a Projected List. In Georgia Journal of International and Comparative Law. Vol. 7, Issue 2, 1977, pp. 609–611. URL: <https://digitalcommons.law.uga.edu/gjicl/vol7/iss2/6>

⁸¹ Ibid.

⁸² Ibid.

⁸³ The Guardian 2012.

⁸⁴ Ko Ko, Aung, et. al.: Beyond Federalism? Inclusion, Citizenship, and Minorities Without Territory in Myanmar's Spring Revolution. In Journal of Contemporary Asia, Vol. 54, Issue 5, 2024, pp. 938–961.

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